

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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GARY ADDIVINOLA  
Plaintiff,

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\*CIVIL ACTION NO. 03-CV-12476 *JGD* ~~REK~~

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vs.

THE HOME DEPOT USA, INC.  
Defendant.

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STIPULATION OF DISMISSAL

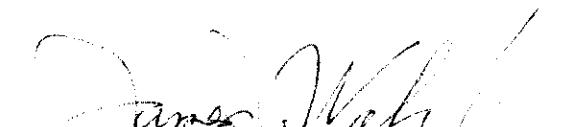
Pursuant to Rule 41(a)(1)(ii), the parties herein stipulate that this action on behalf of Gary Addivinola, be dismissed as to defendant, The Home Depot USA, Inc., with prejudice, without costs, and waiving all rights of appeal.

By Their Attorneys,

Plaintiff,

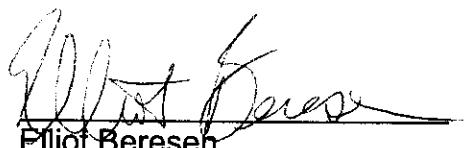
Defendant,

  
Elliot Beresen, BBO#038440  
Manelis & Beresen  
929 Worcester Road  
Framingham, MA 01701  
(508) 875-3833

  
James J. Walsh, BBO#  
Herlihy, Thursby & Herlihy, LLP  
133 Federal Street  
Boston, MA 02110  
(617) 426-6100

CERTIFICATE OF SERVICE

I, Elliot Beresen, hereby certify that a true copy of the foregoing document was served upon the attorney of record for the defendant by regular mail, postage prepaid on March 29, 2005.

  
Elliot Beresen